UNITED STATES DISTRICT COURT **MAGISTRATE JUDGE'S MINUTES**
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

DATE: 4/2/08 CASE NUMBER: 08-15545M-SD

USA vs. Rene Arturo Torres-Escobar

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney ______ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Richard L. Juarez (AFPD)
MATERIAL WITNESS(es): ______
MATERIAL WITNESS(es) state true name(s) to be: ______
Attorney for Material Witness(es): _

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA____
☐ Financial Afdvt taken
☐ Rule 5(c)(3)
☐ Initial Appearance
☐ Defendant Sworn
☐ Defendant states true name to be ___. Further proceedings ORDERED in Defendant's true name.
☐ Appointment of counsel hearing held
☐ Financial Afdvt sealed

DETENTION HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset Set for: Before: ☐ Defendant ordered temporarily detained in the custody of the United States Marshal ☐ Defendant ordered released ______ ☐ Defendant continued detained pending trial ☐ Flight risk ☐ Danger	**IDENTITY HEARING:** ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Warrant of removal issued.
PRELIMINARY HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Probable cause found ☐ Dismissed ☐ Held to answer before District Court	**STATUS HEARING:** re: Venue Waiver ☒ Held ☐ Con't ☐ Reset Set for: Before:

Other: Government moves to dismiss complaint. Defense has no objection. Court grants motion, vacates guilty plea previously entered and further dismisses case without prejudice. Case is closed.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

MAGISTRATE JUDGE'S MINUTES

DATE: 3/31/2008 CASE NUMBER: 08-15545-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Rene Arturo Torres-Escobar

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney ____________ INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Richard L. Juarez (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 3/30/08 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at $__________
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset
Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed ______________ ☐ Complaint filed ______________
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts ONE
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) ONE of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because ______________
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☒ Continued for sentence to 4/1/08 before Magistrate Judge Irwin
☐ To be dismissed upon entry of the judgment, Ct(s) ____
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☐ Defendant committed to Bureau of Prisons for a period of___ ☐ Probation/Supervised Release for ______________
☐ Special Assessment $______ ☐ Fine $______ ☐ Restitution $________

Other: Defendant refuses to sign a Waiver of Removal. The Government moves for a one day continuance. Defense counsel has no objection. IT IS ORDERED granting said requests.

RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

United States District Court

Southern DISTRICT OF ~~ARIZONA~~ California 3/30

UNITED STATES OF AMERICA
V.
Rene Arturo TORRES-Escobar
Citizen of El Salvador
YOB: 1986
088764911
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08- ~~2236MP~~ 15545

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on on or about March 30, 2004, near ~~Nogales, Arizona~~ San Ysidro, California in the District of ~~Arizona~~ southern california, Defendant Rene Arturo TORRES-Escobar, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

by AUSA

Signature of Complainant
Cesar Duarte
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

March 31, 2008 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Rene Arturo TORRES-Escobar

Dependents: None

IMMIGRATION HISTORY: The Defendant is an illegal alien. **The Defendant has been apprehended by the U.S. Border Patrol on one (1) occasion.**

CRIMINAL HISTORY:

DATE LOCATION		**OFFENSE**	**DISPOSITION**
12/29/07	**Oxnard, CA**	**One Count of Failure to Appear Written Promise**	**None listed**

Narrative: The Defendant, a citizen of El Salvador and illegally within the United States, was encountered by Yuma Border Patrol agents near Yuma, Arizona.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of El Salvador and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Nogales, Arizona on March 30, 2004.

Charges: 8 USC§1325 (Misdemeanor)

Signature of Complainant

Sworn to before me and subscribed in my presence,

March 31, 2008
Date

Signature of Judicial Officer

Probable Cause Statement

I, Senior Patrol Agent Cesar Duarte, declare under penalty of perjury, the following is true and correct:

STATEMENT OF FACTUAL BASIS

Defendant: Rene Arturo TORRES-Escobar

Dependents: None

IMMIGRATION HISTORY: The Defendant is an illegal alien. **The Defendant has been apprehended by the U.S. Border Patrol on one (1) occasion.**

CRIMINAL HISTORY:

DATE LOCATION	OFFENSE	DISPOSITION
12/29/07 Oxnard, CA	**One Count of Failure to Appear Written Promise**	**None listed**

Narrative: The Defendant, a citizen of El Salvador and illegally within the United States, was encountered by Yuma Border Patrol agents near Yuma, Arizona.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of El Salvador and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Nogales, Arizona on March 30, 2004.

Executed on: Date *March 30, 2008* *Time:* *9:06 a.m.*

Signed: [signature] *Senior Patrol Agent*

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page, I find probable cause to believe that the defendant named therein committed the offense on March 30, 2004 in violation of Title 8, United States Code, Section 1325.

Finding made on: Date March 30, 2008 *Time* 12:30 PM

Signed: [signature] *United States Magistrate Judge*